<u>IN THE CLAIMS</u>:

Please CANCEL claim 11 without prejudice to or disclaimer of its subject matter. Please also AMEND claims 1, 5, 10, 13, 14, 17, and 18, and ADD claims 19-21, as follows.

1. (Currently Amended) An image processing method of forming a histogram of an original image, setting an image processing condition in accordance with the formed histogram, and performing image processing for the original image, the method comprising the steps of:

judging from a shape of the formed histogram whether the original image is an image picture; and

if it is judged that the original image is not an image picture, <u>determining</u> not ~~performing the image processing~~ <u>to perform color fogging correction</u> for the original image.

2. (Original) An image processing method according to claim 1, wherein:

a value of the formed histogram having a degree of generally 0 is counted; and

whether the original image is an image picture or not is judged from a count result.

3. (Original) An image processing method according to claim 1, wherein:

a highlight point and a shadow point are detected from the histogram; and

the image processing condition is set in accordance with the detected highlight and shadow points.

4.   (Original) An image processing method according to claim 1, further comprising the steps of:

inputting a drawing instruction for the original image; and

judging through analysis of the drawing instruction whether the original image is an image picture.

5.   (Currently Amended) An image processing method according to claim 1, wherein the ~~image processing~~ color fogging correction is performed independently for each original image constituting an input image.

6.   (Original) An image processing method according to claim 1, wherein:

a highlight point and a shadow point are detected from the formed histogram; and

whether the original image is an image picture or not is judged from values of the detected highlight and shadow points.

7-9. (Canceled)

10.   (Currently Amended) An image processing method of performing an image correction process in accordance with a highlight point and a shadow point of an original image, the method comprising the steps of:

forming a histogram of hue of the original image;

judging from a shape of the formed histogram of hue whether the original image is subjected to the image correction process; and

controlling the image correction process in accordance with a judged result, wherein dispersed values of the histogram of hue are obtained and whether the image correction process is performed is judged from the dispersed values.

11.   (Cancelled)

12.   (Original) An image processing method according to claim 10, wherein a drawing instruction for the original image is input and whether the original image is an image picture is judged through analysis of the drawing instruction.

13.   (Currently Amended) An image processing apparatus for forming a histogram of an original image, setting an image processing condition in accordance with the formed histogram, and performing image processing for the original image, the apparatus comprising:

means for judging from a shape of the formed histogram whether the original image is an image picture; and

means for <u>determining</u> not ~~performing the image processing~~ <u>to perform color fogging correction</u> for the original image if it is judged that the original image is not an image picture.

14.   (Currently Amended) A computer readable storage medium storing program steps for executing functions of an image processing apparatus for forming a histogram of an original image, setting an image processing condition in accordance with the formed histogram, and performing image processing for the original image, the program steps comprising:

judging from a shape of the formed histogram whether the original image is an image picture; and

<u>determining</u> not ~~performing the image processing~~ <u>to perform color fogging correction</u> for the original image if it is judged that the original image is not an image picture.

15-16.   (Canceled)

17.   (Currently Amended) An image processing apparatus for performing an image correction process in accordance with a highlight point and a shadow point of an original image, the apparatus comprising:

means for forming a histogram of hue of the original image;

means for judging from a shape of the formed histogram of hue whether the original image is subjected to the image correction process; and

means for controlling the image correction process in accordance with a judged result,

wherein dispersed values of the histogram of hue are obtained and whether the image correction process is performed is judged from the dispersed values.

18.   (Currently Amended) A computer readable storage medium storing program steps for executing functions of an image processing apparatus for performing an image correction process in accordance with a highlight point and a shadow point of an original image, the program steps comprising:

forming a histogram of hue of the original image;

judging from a shape of the formed histogram of hue whether the original image is subjected to the image correction process; and

controlling the image correction process in accordance with a judged result,

wherein dispersed values of the histogram of hue are obtained and whether the image correction process is performed is judged from the dispersed values.

19.   (New) An image processing method of forming a histogram of an original image, setting an image processing condition in accordance with the formed histogram, and performing image processing for the original image, the method comprising the steps of:

judging from a shape of the formed histogram whether the original image is an image picture; and

if it is judged that the original image is not an image picture, determining not to perform exposure correction for the original image.

20.   (New) An image processing apparatus for forming a histogram of an original image, setting an image processing condition in accordance with the formed histogram, and performing image processing for the original image, the apparatus comprising:

means for judging from a shape of the formed histogram whether the original image is an image picture; and

means for determining not to perform exposure correction for the original image if it is judged that the original image is not an image picture.

21.   (New) A computer readable storage medium storing program steps for executing functions of an image processing apparatus for forming a histogram of an original image, setting an image processing condition in accordance with the formed histogram, and performing image processing for the original image, the program steps comprising:

judging from a shape of the formed histogram whether the original image is an image picture; and

if it is judged that the original image is not an image picture, determining not to perform exposure correction for the original image.